House Engrossed

FILED

State of Arizona House of Representatives Forty-seventh Legislature Second Regular Session 2006 JANICE K. BREWER SECRETARY OF STATE

CHAPTER 138

HOUSE BILL 2441

AN ACT

AMENDING SECTION 16-407, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-407.01; REPEALING SECTION 41-3006.07, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3016.01; RELATING TO ELECTION OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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Be it enacted by the Legislature of the State of Arizona: Section 1. Section 16-407, Arizona Revised Statutes, is amended to read:

16-407. Election officers: qualifications: certificates: certification programs: plan: exemption: election training fund

- A. Except as provided in subsection H— E, no person may perform the duties or exercise the authority of an election officer or of the clerk of the board of supervisors or the county recorder in performance of election duties in or on behalf of any county unless the person is the holder of an election officer's certificate issued by the secretary of state before January 1 of each general election year.
- B. The secretary of state shall provide for the examination of applicants for election officer certificates. The secretary of state may not issue a certificate to a person who has not demonstrated to the satisfaction of the secretary of state that the person is competent to perform the work of an election officer or of the clerk of the board of supervisors or the county recorder in the performance of election duties.
- C. The secretary of state shall provide for election officer certification programs of which successful completion by a person attests to the attendance at, participation in and completion of a course of instruction in the technical, legal and administrative aspects of conducting elections within this state.
- D. An election officer education, training and certification advisory committee is established consisting of the following members:
 - 1. An assistant attorney general appointed by the attorney general.
- 2. Three election officers, deputy county election officers or county recorders appointed by the secretary of state.
- 3. A training coordinator in the office of the secretary of state appointed by the secretary of state.
- E. The terms of members appointed pursuant to subsection D, paragraphs 1 and 2 are one year. The training coordinator appointed pursuant to subsection D, paragraph 3 serves at the pleasure of the secretary of state. The members of the advisory committee shall choose a chairman from among themselves. The advisory committee shall meet at least semiannually at a time and place set by the chairman. Additional meetings shall be held on the call of the chairman or at the request of two or more members.
 - F. The advisory committee shall evaluate:
- 1. The curriculum proposed by the secretary of state for the election officer certification program.
- 2. The procedures proposed by the secretary of state for evaluation of participants.
- 3. The form and content of all examinations given in the election officer certification program.

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- G. D. On or before December 31 of each year of a general election, the secretary of state shall submit an election officer education, training and certification plan to the ELECTION OFFICER EDUCATION, TRAINING AND CERTIFICATION advisory committee and to the president of the senate and the speaker of the house of representatives. The plan shall outline the achievements and problems of the previous two year period and specify the expected education, training and certification activities of the coming two year period.
- H. E. Subsection A does not apply to elected officials, clerical and secretarial personnel, counting center personnel, precinct election board and tally board members and election officials in cities or towns.
- I. F. For city and town employees who work on elections, if the city or town chooses to enroll the city or town employees in the certification program prescribed by this section, cities and towns THE CITY OR TOWN shall reimburse the secretary of state for the costs of conducting the training. An election training fund is established consisting of monies received pursuant to this subsection. The secretary of state shall administer the fund. Monies in the fund are continuously appropriated and the secretary of state shall use monies in the fund to pay the costs of training officials from cities and towns pursuant to this subsection.
- Sec. 2. Title 16, chapter 4, article 1, Arizona Revised Statutes, is amended by adding section 16-407.01, to read:

16-407.01. <u>Election officer education</u>, <u>training and</u> <u>certification advisory committee</u>

- A. AN ELECTION OFFICER EDUCATION, TRAINING AND CERTIFICATION ADVISORY COMMITTEE IS ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:
- 1. AN ASSISTANT ATTORNEY GENERAL WHO IS APPOINTED BY THE ATTORNEY GENERAL.
- 2. THREE ELECTION OFFICERS, DEPUTY COUNTY ELECTION OFFICERS OR COUNTY RECORDERS WHO ARE APPOINTED BY THE SECRETARY OF STATE.
- 3. A TRAINING COORDINATOR IN THE OFFICE OF THE SECRETARY OF STATE WHO IS APPOINTED BY THE SECRETARY OF STATE.
- B. THE TERMS OF MEMBERS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS 1 AND 2 ARE ONE YEAR. THE TRAINING COORDINATOR APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 3 SERVES AT THE PLEASURE OF THE SECRETARY OF STATE. THE MEMBERS OF THE ADVISORY COMMITTEE SHALL CHOOSE A CHAIRPERSON FROM AMONG THEMSELVES. THE ADVISORY COMMITTEE SHALL MEET AT LEAST SEMIANNUALLY AT A TIME AND PLACE SET BY THE CHAIRPERSON. ADDITIONAL MEETINGS SHALL BE HELD ON THE CALL OF THE CHAIRPERSON OR AT THE REQUEST OF TWO OR MORE MEMBERS.
 - C. THE ADVISORY COMMITTEE SHALL EVALUATE:
- 1. THE CURRICULUM PROPOSED BY THE SECRETARY OF STATE FOR THE ELECTION OFFICER CERTIFICATION PROGRAM.
- 2. THE PROCEDURES PROPOSED BY THE SECRETARY OF STATE FOR EVALUATION OF PARTICIPANTS.

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July 1, 2006.

3. THE FORM AND CONTENT OF ALL EXAMINATIONS GIVEN IN THE ELECTION 1 OFFICER CERTIFICATION PROGRAM. 3 Sec. 3. Repeal Section 41-3006.07, Arizona Revised Statutes, is repealed. 4 Sec. 4. Title 41, chapter 27, article 2, Arizona Revised Statutes, is 5 amended by adding section 41-3016.01, to read: 41-3016.01. Election officer education, training and 7 certification advisory committee; termination 8 July 1, 2016 9 A. THE ELECTION OFFICER EDUCATION, TRAINING AND CERTIFICATION ADVISORY 10 COMMITTEE TERMINATES ON JULY 1, 2016. 11 B. SECTION 16-407.01 IS REPEALED ON JANUARY 1, 2017. 12 Sec. 5. Purpose 13 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes, 14 the legislature continues the election officer education, training and 15 certification advisory committee to assure the public that persons who 16 perform the duties of election officers are knowledgeable in the technical, 17 legal and administrative aspects of conducting elections and competent to 18 19 perform election duties. 20 Sec. 6. Retroactivity

ARPROVED BY THE GOVERNOR APRIL 17, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.

Sections 3 and 4 of this act are effective retroactively to